

## CAN WE TALK? THEOLOGICAL ETHICS AND SEXUALITY

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*A review of the literature on theological ethics and human sexuality over the past four years indicates a desire by theologians to host a variety of conversations on sexual ethics that uphold traditional claims yet promote responsible sexual ethics in a different key. Writers are particularly concerned by an overwhelming privatization of sexual relations and are seeking to explore ethical frameworks that can bring sexuality into a more responsible, social context.*

A REVIEW OF THE LITERATURE on human sexuality and theological ethics conveys a renewed hope for a much-needed sustained, critical discussion on sexuality. While, in the past, one finds many theologians writing about the silencing of others so as to leave discourse on sexual ethics breathless,<sup>1</sup> more recent works express a desire to host a variety of conversations on sexual ethics that at once uphold long-held traditional claims while at the same time promoting calls for responsible sexual ethics in a different key. This I think was, in part, the accomplishment of Lisa Sowle Cahill's moral note on sexual ethics in 2003 and then Edward Vacek's in 2005.<sup>2</sup> But it also emerges from Pope Benedict XVI's desire to bring love back to the fore in contemporary Christian discourse and to dispel the Nietzschean claim of Christianity's repudiation of eros.

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<sup>1</sup> Patrick McCormick, "Catholicism and Sexuality: The Sounds of Silence," *Horizons* 30 (2003) 191–207.

<sup>2</sup> Lisa Sowle Cahill, "Marriage Developments in Catholic Theology and Ethics," *Theological Studies* 64 (2003) 78–105; Edward Vacek, "Feminism and the Vatican," *Theological Studies* 66 (2005) 159–177.

A survey of the literature for the past four years leads me, then, to consider critical reflections, unsettling information, the call for discourse, and the emergence of new directions.

### CRITICAL COMMENTS

Three types of complaints arise from scholars regarding magisterial teachings: local episcopal exercise, theological arguments, and the problem of credibility. Instances of the first come from England and Ireland. England's Jane Fraser asks whether the churches are to blame for teenage pregnancy. She argues that those who are led into faith-based abstinence programs almost always abandon their pledge but are less likely to use contraceptives in their sexual relationships because they were not prepared for the experiences they promised to forego.<sup>3</sup> Ireland's Enda McDonagh reflects on the contribution of Pope John Paul II to our own understanding of the need for a justice built on love and a love built on justice and asks where was the love/justice in the U.S. bishops who, during the 2004 elections, excommunicated Roman Catholic politicians over issues of gender and sex.<sup>4</sup>

Regarding theological arguments, Augustine and John Paul II receive a fair amount of attention. Bernadette Brooten analyzes how Augustine in his work *On the Good of Marriage* drew upon "the ancient system of classifying sexual acts based on whether they conform to nature, to law, and to custom." She finds that this ancient pattern is "inextricably intertwined with inequality and hierarchy" and that it was able "to solidify social hierarchies—between women and men, between the poor and the wealthy, and between socially marginalized persons and the elite." She concludes, asking, "Is this a tradition of which Christians can be proud?"<sup>5</sup>

About the late pontiff, Charles Curran writes: "John Paul II insists on the equality and equal dignity of women." He adds, "No pope has ever so

<sup>3</sup> Jane Fraser, "Teenage Pregnancy: Are the Churches to Blame?" in *Opening Up: Speaking Out in the Church*, ed. Julian Filochowski and Peter Stanford (London: Darton, Longman, & Todd, 2005) 81–94.

<sup>4</sup> Enda McDonagh, "Love and Justice: In God and Church, in Sexuality and Society," in *ibid.* 30–40. Also, see Aidan O'Neill, "Can a Catholic Be a Good Democrat?" in *ibid.* 176–94.

<sup>5</sup> Bernadette J. Brooten, "Nature, Law, and Custom in Augustine's *On the Good of Marriage*," in *Walking in the Ways of Wisdom: Essays in Honor of Elisabeth Schüssler Fiorenza*, ed. Shelly Matthews, Cynthia Briggs Kittredge, and Melanie Johnson-DeBaufre (Harrisburg, Pa.: Trinity, 2003) 181–93, at 193. On marriage rituals of Augustine's day, see David Hunter, "Augustine and the Making of Marriage in Roman North Africa," *Journal of Early Christian Studies* 11 (2003) 63–85.

strongly defended and proclaimed the equality and dignity of women.”<sup>6</sup> But do these assertions help women enjoy the asserted equality? Here Curran turns to the “problem of complementarity” wherein, inevitably, women’s experiences are validated in terms of their (male) complements.<sup>7</sup>

Curran’s complaint is more rhetorically focused by Scotland’s Julie Clague. By integrating complementarity into a mutually equal relationality, one arrives at a veritable paradox in the face of the nonordination of women: “Somehow, the equal dignity of the sexes—usually considered synonymous with notions of inclusion and non-discrimination—is to be considered compatible with exclusion and discrimination.”<sup>8</sup> She concludes, “Tragically, and precisely because of the many merits found in the reciprocity of female-male relations, the ‘complementarism’ employed in justifying an exclusionary priesthood has created a church where, in the realm of ecclesiastical function, separatism (not collaboration) is a virtue. This ecclesiastical apartheid is a deeply rooted structural sin that wounds men as well as women, and is deeply damaging to the credibility and witness of the Church.”<sup>9</sup>

A comprehensive critique of church teaching on sexuality comes from another Irish theologian, Gerry O’Hanlon, who calls it the “elephant in the room of Catholic polity.” He states that the nonreception of church teaching on sexuality damages its overall credibility. He writes that it would be a “good thing to examine the reasons for this non-reception and emerge from the uneasy silence which now obtains.”<sup>10</sup>

I will return to these issues throughout this note, but what appears to be emerging is a call to engage in sustained critical discourse about theological sexual ethics. What I hope readers will see is *not* that ethicists are looking to articulate an opposite “magisterium” on sexual ethics. Rather, they seem to have the same concern as church leaders do. Throughout the writings one will see, then, a hope for a constructive, collaborative enterprise in the face of great challenges.

<sup>6</sup> Charles Curran, *The Moral Theology of Pope John Paul II* (Washington: Georgetown University, 2005) 188. See Christine Gudorf’s overall assessment, “Catholicism, Twentieth- and Twenty-First Century,” in *Sex from Plato to Paglia: A Philosophical Encyclopedia*, 2 vols., ed. Alan Soble (Westport, Conn.: Greenwood, 2006) 1:153–64.

<sup>7</sup> Curran, *Moral Theology of Pope John Paul II* 190.

<sup>8</sup> Julie Clague, “Assessing our Inheritance: John Paul II and the Dignity of Women,” in *Opening Up* 41–55, at 51.

<sup>9</sup> *Ibid.* 52.

<sup>10</sup> Gerry O’Hanlon, “Europe and the Roman Catholic Church,” *The Future of Europe: Uniting Vision, Values, and Citizens?* ed. Jesuit Centre for Faith and Justice (Ballycoolin, Ireland: Veritas, 2006) 57–72.

## UNSETTLING INFORMATION

Not surprisingly, sifting through the “data” of sexuality is complicated. For instance, in the United States, married people are in general happier than unmarried people: they are healthier (“married people, especially married men, show better health behaviors than those who are not married”),<sup>11</sup> and report “substantially higher levels of sexual activity,”<sup>12</sup> as well as “higher levels of emotional satisfaction from their sexual relationships.”<sup>13</sup> They are wealthier, too: Married men “earn substantially more than single men,” and “married people have, on average, substantially greater assets and wealth than (single) people with similar levels of education and earnings.”<sup>14</sup> If marriage is so successful, are people seeking to get married?

“Not so quickly,” answers Barbara Dafoe Whitehead in a riveting essay on the dramatic changes in dating, courtship, and marriage over the past 50 years. For instance, while “ninety percent of women born between 1933 and 1942 were either virgins when they married or had their first intercourse with the man they married,” for a growing percentage of contemporary young women there is “at least a seven- or eight-year span of time between first sexual intercourse and first marriage.”<sup>15</sup> She adds, “Simply put, for many young adults, sex is an expected part of dating relationships: it has lost its close connection to the timing of marriage as well as to the choice of a partner for marriage.”<sup>16</sup>

On courtship, Whitehead distinguishes four very different types of cohabitation. Prenuptial cohabitation, for couples who have publicly declared their intention to marry but for a variety of reasons decide to live together before their marriage, is short-termed and somewhat successful. The most ambiguous type is courtship cohabitation in which a couple is “passionately involved sexually before they have gone through the slower process of gaining trust, familiarity, and knowledge of each other, and of each other’s families.” Opportunistic cohabitation describes romantically involved couples who are decidedly not anticipating marriage; they are looking for the experience of domestic intimacy precisely as they delay marriage. Non-

<sup>11</sup> Linda J. Waite and William J. Doherty, “Marriage and Responsible Fatherhood: The Social Science Case and Thoughts about a Theological Case,” in *Family Transformed: Religion, Values, and Society in American Life*, ed. Steven Tipton and John Witte Jr. (Washington: Georgetown University, 2005) 143–67, at 147.

<sup>12</sup> Ibid. 151.

<sup>13</sup> Ibid. 152.

<sup>14</sup> Ibid. 155.

<sup>15</sup> Barbara Dafoe Whitehead, “The Changing Pathway to Marriage: Trends in Dating, First Unions, and Marriage among Young Adults,” in *Family Transformed* 168–84, at 170.

<sup>16</sup> Ibid. 171. See also Jason King and Donna Freitas, “Sex, Time, and Meaning: A Theology of Dating,” *Horizons* 30 (2003) 25–40.

nuptial cohabitation, a “living-together union” serving as an alternative to marriage, is somewhat different. While in places like Sweden where these relationships are longer-lasting and stable, few last more than five years in the United States.<sup>17</sup>

From the Netherlands, Sweden, and Norway, there comes now an analogous form of cohabitation, “Living Apart Together” (LAT). These couples do not share the same home: Unlike those in commuting marriages who travel about and eventually or occasionally return home, LAT couples simply do not want to or cannot share the same domicile.<sup>18</sup>

Whitehead’s examination of marriage looks to the results of a Gallup poll taken in 2001 for the National Marriage Project and finds that young people are deeply invested in the goal of marriage: 94 percent want to marry someone who would be their soul mate/best friend, and 88 percent believe that person is out there waiting for them. Whitehead suggests that, while young people are “notching up their expectations” in terms of intimacy, they are discarding the social, economic, religious, and public purposes of marriage: “To state the case more starkly, men and women surveyed think of marriage as a private intimate relationship that is emotionally deep but socially shallow.”<sup>19</sup> She substantiates her position by adducing four significant shifts: away from marriage as a child-rearing institution (only 16 percent think the main purpose of marriage is to have children); away from an economic partnership (86 percent believe that one should be economically set before marriage); away from a publicly accountable institution (80 percent think that marriage is nobody’s business but the couple’s); and away from belonging to a religious institution (only 42 percent think they should marry someone who shares their faith).<sup>20</sup>

Comparing these findings with the first two-thirds of the last century, Whitehead notes that earlier courtship was “so broad and comprehensive that it could be described as national in its scope and influence.” This national agenda was facilitated by three “youth-shaping institutions”: the family, the school, and the faith community. Whitehead notes: “Today’s unmarried young adults are geographically, socially and emotionally removed from all three.” On the contrary, due to study and travel abroad programs, internet dating, and the job market becoming more and more international, “the mating market is globalizing.”<sup>21</sup>

This description of marriage and other sexual relations as increasingly privatized yet globalized appears elsewhere. South Africa’s Paul Germond

<sup>17</sup> Whitehead, “Changing Pathway to Marriage” 172–73.

<sup>18</sup> Jan Trost, “Marriage, Cohabitation, and LAT Relationships,” *INTAMS Review* 9 (2003) 95–97.

<sup>19</sup> Whitehead, “Changing Pathway to Marriage” 175.

<sup>20</sup> *Ibid.* 175–76.

<sup>21</sup> *Ibid.* 178–80.

writes: "Sex has been wrested from its traditional linkages and become narrowed down to the interests and expressions of individual interests. Sex, historically centred in the family and in procreation, is increasingly being freed from both its familial and procreational purposes."<sup>22</sup> He adds that the privatization of sexuality is specifically upheld by globalized opportunities. "It seems to me that the impact of globalization on sexuality, certainly in southern Africa, is primarily located in an assault of both modern and postmodern forces on traditional sexual discourses. Traditional sexual discourses have been embedded in centralized forms of social life, where sexuality functions as an integral part of the social order, fulfilling social obligations, rather than satisfying the needs of an individual's own predilections."<sup>23</sup>

In fact, a very diverse constituency highlights this increasing privatization of sex. If sexual relations are so socially embedded, how did they become so private? Cristina Traina points the finger at Augustine: "Augustine's belief that even 'good' marital, procreative sex ought to be hidden away . . . has probably contributed more than anything to the impression that our sexuality is essentially private."<sup>24</sup> But if that is the case, why is privatization so evident now?

John Witte claims that, until 40 years ago, in the United States at least, the three main influences on modern marriage were balanced: Catholicism's interest in the spiritual or sacramental perspective; Protestantism's emphasis on the social or public perspective; and the Enlightenment's proposals on the contractual or private perspective.<sup>25</sup> The influence of the two Christian traditional expressions were so deeply engrained in American cultural life that they resisted the Enlightenment's influence until the 20th century. Then, after an initial set of reforms from 1910 to 1940 that brought greater equality and equity to family life without undermining the traditional understanding of marriage, a second set of legal reforms between 1965 and 1990, preeminently embodied in the "Uniform Marriage and Divorce Act" (1987), "seemed calculated to break the preeminence of traditional marriage and the basic values of the Western tradition that have sustained it." Though he sees many benefits from the Enlightenment project, not the least that it forced the other two traditions to reform themselves, Witte notes that today, "contractual freedom and sexual privacy

<sup>22</sup> Paul Germond, "Sex in a Globalizing World," *Journal of Theology for South Africa* 119 (July 2004) 46–68, at 54.

<sup>23</sup> *Ibid.* 52.

<sup>24</sup> Cristina Traina, "Sex in the City of God," *Currents in Theology and Mission* 30 (2003) 5–19, 18. See also Elizabeth Clark, "Augustine," in *Sex from Plato* 1:74–83.

<sup>25</sup> John Witte Jr., "Retrieving and Reconstructing Law, Religion, and Marriage in the Western Tradition," in *Family Transformed* 244–68, at 245.

reign supreme. . . . Married life is becoming 'brutish, nasty, and short,' with women and children bearing the primary costs. The very contractarian gospel that first promised salvation from abuses of earlier Christian models of marriage now threatens with even graver abuse."<sup>26</sup>

Arguing that one must resist the "temptation to reduce marriage to a single perspective or forum," Witte urges a retrieval of the Catholic and Protestant influences so as to discover again that "marriage is an inherently communal enterprise, in which couples, magistrates, and ministers must all inevitably cooperate."<sup>27</sup>

Robert Bellah echoes Witte's concern: the insistence on autonomy for the marital relationship makes us oblivious to the fact that "we come into the world dependent; end our days dependent; and are often, more often than we like to admit, dependent all during our lives. . . . Without institutions, dependency would just be a disaster. We have to define ourselves in relation to others because we need them."<sup>28</sup> Arguing that inherited institutions need to be monitored constantly so as to be reformed adequately, Bellah states that public claims on marriage are essential precisely because it embodies "the kind of love and support in a committed relationship that is hard to find anywhere else."<sup>29</sup>

The question of whether law shapes culture or cultures articulate their laws is beyond this note's interest and competency,<sup>30</sup> but clearly contemporary cultures across the globe are offering a privatized context for sexual relations in general and marriage in particular. "Our culture is a culture of disassociation," writes Xavier Lacroix from France. Lacroix believes that we are progressively "atomizing" our existence, and he is especially alarmed at the impact that disassociation has on parenting. He suggests, for example, that a child can be conceived by one man, receive her name from a second, be raised by a third, all the while her mother lives with a fourth. He comments that each of these parental disconnects introduces a discon-

<sup>26</sup> Ibid. 261–62.

<sup>27</sup> Ibid. 262. On the overlapping interests of natural law and evolutionary theories, see Stephen Pope, "Sex, Marriage, and Family Life: The Teachings of Nature," in *Family Transformed* 52–70.

<sup>28</sup> Robert N. Bellah, "Marriage in the Matrix of Habit and History," *Family Transformed* 21–33, at 29.

<sup>29</sup> Ibid. at 30.

<sup>30</sup> See Charles J. Reid Jr., *Power over the Body, Equality in the Family: Rights and Domestic Relations in Medieval Canon Law* (Grand Rapids, Mich.: Eerdmans, 2004); Steven Ozment, "Inside the Preindustrial Household: The Rule of Men and Rights of Women and Children in Late Medieval and Reformation Europe," in *Family Transformed* 225–43. On power itself as a moral category, see Cecilia Laura Borgna, "Il potere e 'la questione morale,'" *Rivista di teologia morale* 149 (2006) 75–87.

tinuity into the life of the child that has a lasting historical effect.<sup>31</sup> If marriage is private, is parenting ever publicly accountable?

From Brazil, Maria Clara Lucchetti Bingemer describes the nuclear family as “closed in on itself, restricted to the private sphere.” Arguing along the lines that many contemporary ethicists write, she observes: “The family is not an end in itself but . . . exists so that the world may become better and more humane.”<sup>32</sup> Like Whitehead, Bingemer notes that, for the modern Christian marriage to contribute to the world, it needs to be rooted in the Church. And here is the great disconnect: precisely when they need the Church, many find their views incompatible with official church teaching on sexual ethics and women. Thus the relationship between families and their church becomes “superficial,” and in Brazil, at least, these families find other spiritual and religious movements more attractive and leave their parishes.

### THE CALL FOR DISCOURSE

To help sexuality move out of its privatized world, Germond suggests that the churches should facilitate discourse about sexuality. He begins, however, by noting a polarized debate within each church: one side demands the virtue of chastity and the practice of abstinence; the other turns to the virtue of justice to bring sex back into a social universe. Claiming that if we are to talk to others, we must first be able to talk among ourselves, Germond proposes “that for the moment we agree to disagree and to recognise that our different positions are held with deep theological and spiritual conviction. But we have to act. It seems to me that we need to act in ways that are contradictory and which, it will be said in objection, will sow confusion. But it seems to me that confusion might be healthier than irrelevance.”<sup>33</sup>

In her essay, “Sex in the City of God,” Traina makes a similar proposal, observing that “it is not surprising that we Christians have trouble talking about sex.”<sup>34</sup> She sees the need for conversation as urgent and suggests that

<sup>31</sup> Xavier Lacroix, “Conjugalité et parentalité: Un lien entre deux liens,” *INTAMS Review* 11 (2005) 18–26. See also Giulia Di Nicola and Attilo Danese, “Perché la società dovrebbe privilegiare il matrimonio,” *INTAMS Review* 9 (2003) 97–99, and “Il matrimonio come risorsa sociale,” *INTAMS Review* 10 (2004) 4–18. However, Thomas Knieps-Port le Roi, while noting how marriage has moved away from its moorings to family, argues that theologians should distinguish the two different life situations in “Heilige Familie? Theologische Anmerkungen zum kirchlichen Familienverständnis,” *INTAMS Review* 9 (2003) 164–76.

<sup>32</sup> Maria Clara Lucchetti Bingemer, “Family and Religion in Brazil: Tensions and Perspectives,” *INTAMS Review* 10 (2004) 177–84, at 182.

<sup>33</sup> Germond, “Sex in a Globalizing World” 64.

<sup>34</sup> Traina, “Sex in the City of God” 5.

the first command is the suspension of “the contemporary assumption that sex is merely a private matter.”<sup>35</sup>

Writing on sexuality after the clergy sexual abuse scandal, Jesuit psychologist John Allan Loftus claims that, in the arena of clergy formation, we should start talking about sex already in the seminary. “This means that at least in seminaries and formation programmes, sex, in all its delightfully and frighteningly human variants, must finally be openly discussed. In formation ministry, we have learned so painfully that what you don’t know can hurt you!”<sup>36</sup>

James Alison has been writing about this subject for years. He suggests that the problem is not our inability to discuss sex, but rather our inability to discuss. He calls the summons to talk about sex a “red-herring” and writes that, in the aftermath of the vernacular replacing Latin, “our monosexual priesthood is without a language of its own, and has had very little access to ease and fluency with the changing shape of the language of everybody else, given how much of that language has developed over the last century or so precisely in the areas of emotional and sexual honesty.” We are left with “the effects of the schism of discourse which is currently in the Catholic Church.”<sup>37</sup>

## THE EMERGENCE OF NEW DIRECTIONS

In a variety of places, one can see attempts to overcome the impasse.<sup>38</sup> I will focus on three categories: recent conferences that discussed sexuality and theological ethics; theologians whose essays engage diverse sources to promote better understanding of sexuality; and comprehensive book-length works meant to provide a framework for a Catholic polity on sexual ethics.

### Conferences

Two conferences attempted to bring together varied viewpoints on theological ethics. The first, the Cardinal Bernardin Conference in Arlington, Virginia, in May 2004, sponsored by the Catholic Common Ground Initiative, explicitly addressed sexuality based on the following thesis: “There is a wisdom in the Catholic tradition about sexuality that young people desire

<sup>35</sup> Ibid. 6.

<sup>36</sup> John Allan Loftus, “Aftermath of Abuse,” in *Opening Up* 136–45, at 142–43. For comments about dialogue and the recent seminary visitation, see Lisa Fullam, “The Visitation,” *Commonweal* 133.16 (September 22, 2006) 12–13.

<sup>37</sup> James Alison, “Human Sexuality . . . or Ecclesial Discourse?” <http://jamesalison.co.uk/texts/eng14.html> (accessed November 17, 2006); see also his “Good-Faith Learning and the Fear of God,” *Opening-Up* 66–80.

<sup>38</sup> Probably the finest contemporary primer for promoting dialogue in light of the schism is Bradford Hinze’s *Practices of Dialogue in the Roman Catholic Church: Aims and Obstacles, Lessons, and Laments* (New York: Continuum, 2006).

and our culture needs, that is obscured by the polarized debates. Can we identify, articulate, and raise up the wisdom that we agree is important for the church to take in the next century on these issues?"<sup>39</sup>

At this conference, Whitehead described the changing pathway to adulthood: a "demoralization" of sexuality; the rise of "expressive sexual ideology" and a hypersexualized media culture; and the need young people have for church guidance to help them reconnect "sex to its larger purpose and place within marriage and family." Like the many authors cited above, Whitehead noted how substantial the Church's challenge is, since the most significant development in sexual practices is "the lengthening time between the onset of puberty and entry into marriage."<sup>40</sup>

At the same conference I suggested how virtue ethics could help promote discourse on sexuality. While acknowledging that the *Catholic Catechism's* instruction (nos. 2331–2400) on sexuality proposes the virtue of chastity and therein promotes a Christian realism about sexuality, I proposed additionally the virtues of justice, fidelity, self-care, and prudence so as to promote a more robust Catholic sexual ethics.<sup>41</sup> Moreover, each of these virtues ought to be informed by the virtue of mercy which, from my point of view, gives them their "Catholic" identity. I define mercy as the willingness to enter into the chaos of another.<sup>42</sup>

If we had a justice informed by mercy, would that not make us more aware of those who, because of issues related to their sexuality, cry out for protection, sanctuary, support and hospitality? While fidelity calls us to recognize that sexual love must deepen and be extended through intimacy, fidelity informed by mercy anticipates the chaos of our sexuality and sexual relationships. A prudent guide for such fidelity would remind us that entering into a sexual relationship with another means entering into an intimate complexity where we need to recognize the inevitable yet unpredictable moments of upheaval and confusion attendant to such intimacy. This fidelity becomes particularly relevant when children are born into the sexual relationship. For this reason Catholics are intensely interested in the nature of marriage as the place where faithful love and procreativity concretely flourish.<sup>43</sup>

<sup>39</sup> <http://www.nplc.org/commonground/conference.htm> (accessed November 26, 2006).

<sup>40</sup> Barbara Dafoe Whitehead, "Trends Shaping Youthful Sexuality," *Initiative Report* 8.1 (2004) 3–10, at 10.

<sup>41</sup> James F. Keenan, "Virtue Ethics and Sexual Ethics," *Louvain Studies* 30 (2005) 183–203. See also, Raja Halwani, "Ethics, Virtue," in *Sex from Plato* 1:279–85.

<sup>42</sup> See James F. Keenan, *The Works of Mercy: The Heart of Catholicism* (Lanham, Md.: Sheed & Ward, 2005).

<sup>43</sup> On parenting and children, see Julie Hanlon Rubio, "Towards a Theology of Children: Questions from an Emerging Field of Inquiry," *INTAMS Review* 9 (2003) 188–201. For an ethics of care particularly sensitive to children, see Annemie Dil-

While fidelity seeks the other and the relationship, self-care teaches us to be responsible to ourselves as well. This virtue reminds us that often people enter sexual relationships before they are actually capable of sustaining them. Conversely, self-care also leads others to acknowledge that they have long been inhibited and fearful of intimacy, touch, or sexual expression. Prudential self-care informed by mercy leads some people to delay sexual intimacy, but gently prods others to seek sexual love that has long been an object of fear and dread.

At the second conference, Catholic Theological Ethics in the World Church, held in Padua, Italy, July 8–11, 2006, 400 ethicists discussed fundamental and applied ethics.<sup>44</sup> Among the presentations were many on the need for discourse in the Church<sup>45</sup> and others specifically on sexuality. From the latter were proposals: from France, to consider ministerial experience in theologically responding to the fragility of marriage;<sup>46</sup> from Italy, to recognize the charism of Christian marriage not primarily in its indissolubility but rather in the love revealed in Christ;<sup>47</sup> from the United States, to use virtue ethics in reading sociological data on sexuality;<sup>48</sup> from Kenya, to study the interrelationship among gender, justice, and health care;<sup>49</sup> another from the United States, to examine gender differences regarding empathy;<sup>50</sup> and, finally, from Canada, to analyze its own marriage debate.<sup>51</sup>

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len, “Guiding Principle or Norm? Tensions in Ethical and Pastoral Thinking about Marriage,” *INTAMS Review* 9 (2003) 77–88.

<sup>44</sup> See Linda Hogan and James Keenan, “Ethics for a Troubled World,” *Tablet* (July 22, 2006) 10–11. See also <http://www.catholicethics.com>.

<sup>45</sup> See James F. Keenan, ed., *Catholic Theological Ethics in the World Church: The Plenary Papers from Padua* (New York: Continuum, 2007). With regard to this note, see in this forthcoming volume: Giuseppe Angelini, “*Sensus fidelium* and Moral Discernment”; Lisa Sowle Cahill, “Moral Theology: From Revolutionary to Revolutionary Change”; Nathanaël Yaovi Soédé, “*Sensus fidelium* and Moral Discernment: The Principle of Inculturation and of Love”; Paul Valadier, “Has the Concept of *Sensus fidelium* Fallen into Desuetude?” and the the essays from the “continental panels,” particularly those by David Hollenbach, Piotr Mazurkiewicz, and Marciano Vidal.

<sup>46</sup> Philippe Bordeyne, “The Fragility of Marriage,” in *Traditions in Dialogue: Applied Ethics in a World Church*, ed. Linda Hogan (Maryknoll, N.Y.: Orbis, forthcoming).

<sup>47</sup> Aristide Fumagalli, “What God Has Joined: The Specificity of Christian Conjugal Love,” in *ibid.*

<sup>48</sup> Michael Hartwig, “Right Action and Virtue: The Relevance of Sociological Studies in Underscoring the Virtues or Vices of Official Roman Catholic Sexual Ethics,” in *ibid.*

<sup>49</sup> Teresa Hinga, “Becoming Better Samaritans: Gender, Catholic Social Teaching and the Quest for Alternative Models of Doing Social Justice in Africa,” in *ibid.*

<sup>50</sup> Christine Gudorf, “Gendered Identity Formation and Moral Theology,” in *ibid.*

<sup>51</sup> Carolyn Sharp, “Canadian Churches and the Marriage Debate,” in *ibid.*

There was also in Padua considerable discussion about sexuality and HIV/AIDS. The Ugandan Emanuel Katongole asked us to reconsider the African context that we are addressing when responding to the crisis,<sup>52</sup> and Nigerian Agbonkhanmeghe Orobator pressed for new paradigms of a discourse on sexual ethics from an African perspective. He described the experience of women as key, not only because they are the predominant victims, but because they are on the frontline for the care of people living with HIV/AIDS and for finding more humane, ethical responses to the challenges of HIV/AIDS. Their willingness to assume risk in combating AIDS ought to prompt church leaders to risk sacrificing some of their own “disincarnate moral fixations” for a more context-based approach to sexual integrity.<sup>53</sup>

These presentations in Padua on HIV/AIDS were complemented by works published elsewhere, notably two: From South Africa, Philippe Denis provides a fairly graphic depiction of the issues of sexuality and HIV transmission and, like the other authors, argues that “pronouncements which envisage the sexual action in isolation from its social and cultural context are counterproductive.”<sup>54</sup> Finally, from the United States, Maria Cimperman offers a comprehensive embodied, relational anthropology complemented by a virtue-based ethics so as to prompt us to be more responsive to the HIV/AIDS pandemic.<sup>55</sup>

### Thematic Issues in Sexuality: Engaging Differing Positions

When we turn to specific essays in theology, we find that most of their authors are trying to reflect theologically on human experience, even though they admit that many people’s experiences are at odds with church teaching.<sup>56</sup> They write about cohabitation, complementarity, homosexuality, justice, and holiness.

<sup>52</sup> Emmanuel Katongole, “AIDS, Africa, and the ‘Age of Miraculous Medicine,’” in *ibid.* See also his *A Future for Africa: Critical Essays in Christian Social Imagination* (Scranton, Penn.: University of Scranton, 2005).

<sup>53</sup> Agbonkhanmeghe Orobator, “Ethics of HIV/AIDS Prevention,” in *Traditions in Dialogue*. For a clear example of the work of such women, see Margaret Farley, “Partnership in Hope: Gender, Faith, and Responses to HIV/AIDS in Africa,” *Journal of Feminist Studies in Religion* 20.1 (2004) 133–48.

<sup>54</sup> Philippe Denis, “Sexuality and AIDS in South Africa,” *Journal of Theology for Southern Africa* 115 (2003) 63–77, at 75.

<sup>55</sup> Maria Cimperman, *When God’s People Have HIV/AIDS: An Approach to Ethics* (Maryknoll, N.Y.: Orbis, 2005). See also, Jon D. Fuller and James F. Keenan, “Educating in a Time of HIV/AIDS: Learning from the Legacies of Human Rights, the Common Good, and the Works of Mercy,” in *Opening Up* 95–113.

<sup>56</sup> One classicist attempt to address this challenge comes from John M. McDermott who resists any notion of the natural law as a universal abstraction, but insists on the natural law as the objective order of creation reflecting God’s love: “Science,

From England, Kevin Kelly introduces readers to two Anglican works touching on cohabitation.<sup>57</sup> One portrays a fairly bleak picture of cohabiting couples: with no plans to marry they have poorer relationships than married persons, are more likely to split up, and their children are more likely to be abused.<sup>58</sup> Another work reports that those who prenuptially cohabit are no more likely to divorce than those who do not, but that children born to cohabiting parents are twice as likely to see their parents separate as those born within marriage.<sup>59</sup>

Kelly acknowledges that some cohabiters are singularly interested in the privacy of their relationship, bound solely by the couple's consent without any social claims whatsoever. But he wants to reflect on those whose cohabitation "is a very deliberate way of entering into the marriage process on their own terms."<sup>60</sup> To their decision, he tries to bring "faith sense" to their cohabitation. In doing that, he offers a challenge: "Does our theology of sexuality need to develop imaginatively and creatively so that what it says about cohabitation actually makes 'experience-sense' for the many Christians who are actually living this reality?"<sup>61</sup>

In upholding gender complementarity, the English theologian Agneta Sutton compares Karl Barth, Hans Urs von Balthasar, and John Paul II, making the interesting observation that "man and woman are not created as humans of two different sexes primarily with a view to procreation, but rather for a companionship that reflects the rational and loving nature of the triune God in whose image they are created in their unity and duality."<sup>62</sup> She also notes that, among the three, the late pontiff "has an appreciably more egalitarian view of the relationship."<sup>63</sup>

Precisely through the notion of complementarity, Todd Salzman and Michael Lawler confront the position on homosexual acts articulated in the "New Natural Law Theory" (NNLT) of Germain Grisez, Joseph Boyle, Russell Shaw, and John Finnis. Salzman and Lawler argue that, for the NNLT, "genital complementarity, a subcategory of biological complemen-

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Sexual Morality, and Church Teaching: Another Look at *Humanae vitae*," *Irish Theological Quarterly* 70 (2005) 237–61.

<sup>57</sup> Kevin T. Kelly, "Cohabitation: Living in Sin or Occasion of Grace?" *Furrow* 56 (2005) 652–58.

<sup>58</sup> Adrian Thatcher, *Living Together and Christian Ethics* (New York: Cambridge University, 2002).

<sup>59</sup> Duncan Dormor, *Just Cohabiting? The Church, Sex, and Getting Married* (London: Darton, Longman, & Todd, 2004) 10, 88.

<sup>60</sup> Kelly, "Cohabitation" 657.

<sup>61</sup> *Ibid.* 658.

<sup>62</sup> Agneta Sutton, "The Complementarity and Symbolism of the Two Sexes: Karl Barth, Hans Urs von Balthasar, and John Paul II," *New Blackfriars* 87 (2006) 418–35, at 435.

<sup>63</sup> *Ibid.* 434.

arity, is the *sine qua non* for personal complementarity,” and thus the theorists conclude that homosexual acts are unnatural, unreasonable, and therefore immoral. Contending that this standard reflects “too narrow an understanding of the human person and human sexuality,” they propose a “holistic complementarity.”<sup>64</sup> This complementarity requires, however, that for “any sexual act to be truly human, reasonable, and moral, it must exhibit holistic complementarity, equality between the partners, equal freedom for both partners, free mutuality between the partners, and the mutual commitment of both partners.” For Christians, these qualities must be informed by the love of God and neighbor. On neither side of the debate, however, does one’s particular notion of complementarity itself validate the morality of sexual acts, but for the NNLT, genital complementarity is a necessary condition for that validation. The purity of the NNLT position, however, is precisely what catches Salzman and Lawler’s critique: “whether any given sexual act, heterosexual or homosexual, is moral or immoral is determined, not by the naked application of abstract moral principles, as the NNLT *de facto* consistently asserts, but by a careful, hermeneutical analysis of how those principles apply in real, concrete human relationships.”<sup>65</sup>

The stance of Salzman and Lawler leads inevitably to questions about the Church’s recognition of homosexuals in the public square. Here Dutch theologian Frans Vosman offers very candid advice. Like Germond, he does not want to reduce differences within the Church but rather make the differences more public. First, “I suggest that the reflection on homosexuality should be conceived as a debate, precisely because it is a reflection on serious existential matters in which all involved are proposing arguments that they consider the best possible way for conceptualizing these matters. Thus I want to avoid an idea of dialogue that implies that the partners in dialogue are willing to easily let go of their convictions, an attitude that runs counter to the magisterium’s claims.”<sup>66</sup>

Vosman makes two preliminary moves. First, he distinguishes psychological claims by the magisterium from moral ones. Second, regarding theological ethics itself, he argues that its task is not to make moral judgments but “to show their plausibility.” He then turns to the common good to suggest, that, while refusing legal acknowledgment of civil unions and up-

<sup>64</sup> Todd Salzman and Michael Lawler, “New Natural Law Theory and Foundational Sexual Principles: A Critique and a Proposal,” *Heythrop Journal* 47 (2006) 182–205, at 182. Salzman and Lawler argue similarly in “Catholic Sexual Ethics: Complementarity and the Truly Human,” *Theological Studies* 67 (2006) 625–52.

<sup>65</sup> *Ibid.* 201.

<sup>66</sup> Frans Vosman, “Can the Church Recognize Homosexual Couples in the Public Sphere?” *INTAMS Review* 12 (2006) 24–37.

holding the uniqueness of marriage between a man and a woman, church leaders could at least recognize that homosexuals “do in fact, make contributions to the social fabric.”<sup>67</sup>

Reflecting on the relationship between marriage and justice, David Matzko McCarthy recognizes contemporary marriage as an essentially private relationship which therefore promotes rather than inhibits injustices: “The simple point is that, in the free market, marriage is both a product for consumption and a consumptive unit.” For this reason, “modern marriages and family are friendly to economic injustices. The household’s common good—a good not reducible to a collection of individual self-interests—is privatized, and marriage and family simply reflect the injustices perpetuated by a consumer economy.”<sup>68</sup> In this light, McCarthy asks, “Can Christian Marriage promote justice?” He responds that, as opposed to the “closed household of the contractual, public sphere,” the Christian marriage must “be formed within communities of open households.” Turning to the virtue of hospitality, he writes: “for families to live by the gospel, they will need to be sustained by an alternative social sphere where the risks of hospitality are shared.” In such a place, “it is likely that marriage will foster and expand household networks of distribution and exchange.”<sup>69</sup>

Questions of justice inevitably lead to questions of holiness. Contrary to what we have seen above, Perry Cahall contends that Augustine’s theology of the Trinity provides a means for elaborating his vision of conjugal love, since the Trinity is the source of all true love. Cahall’s thorough review leads him to conclude that in a trinitarian context, “conjugal love, as it is enacted in all aspects of married love, including the conjugal embrace, has the opportunity to reflect and participate in the communion of love that is the life of the Trinity.”<sup>70</sup>

German theologian Jörg Splett writes about the evangelical counsels of poverty, chastity, and obedience as having particular relevance for the married couple seeking to be with God. In poverty the couple can seek a life of simplicity with other families, openly sharing in income and property and in the care of children. In chastity they engage in the practices of

<sup>67</sup> Ibid. 34–35, 36. See Patricia Beattie Jung, “Heterosexism,” in *Sex from Plato*, 1:442–48.

<sup>68</sup> David Matzko McCarthy, “Justice and the Institution of Marriage,” *INTAMS Review* 11 (2005) 54–66, at 59.

<sup>69</sup> Ibid. 62, 63.

<sup>70</sup> Perry Cahall, “Saint Augustine on Conjugal Love and Divine Love,” *Thomist* 68 (2004) 343–73, at 373. Matthew Tsankanikas, “Understanding Marriage through Holy Communion,” *Logos: A Journal of Catholic Thought and Culture* 7.2 (2004) 118–36, points us in a similar direction.

thankfulness, generosity, and forgiveness. And in obedience they are invited to a mutual listening and regard for each other.<sup>71</sup>

David Cloutier provides one of the most interesting essays on the relationship between sexuality and holiness. He focuses on the good news that, for most of the tradition's history, marriage was considered merely a created reality and an instrumental good, whether for exploring licitly one's sexual desires or for procreating children. Meanwhile only celibacy embodied a sexual ethics for the kingdom. In the past, marriage never really had "a parallel sense of eschatological significance." But a shift began to emerge, affirmed by Vatican II's *Gaudium et spes* which described marriage as a good in itself: marriage is not only a means to personal holiness but also a realization of it (nos. 47–52). The "lofty calling" of celibacy was not the exclusive eschatological sexual ethic; "marriage for the Kingdom (not simply good, decent marriage) could now be storied."<sup>72</sup>

While Cloutier praises John Paul II for enriching sexual ethics (his "theology of the body takes the goodness of creation very seriously, which is a welcome remedy to the suspicions of sexuality that litter the tradition"), he contends that the pope did not bring marriage into the realm of the kingdom, into holiness itself.<sup>73</sup> For this, Cloutier turns to others, among them, Lisa Sowle Cahill and Herbert McCabe. Quoting Cahill ("The moral question for a Christian ethics of sex and gender becomes how to socialize the body—as male and female, as sexual, as parental—in ways which enlarge our social capacities for compassion toward others and solidarity in the common good."),<sup>74</sup> Cloutier comments: "This is how the Kingdom is present in history: through this converting vision and through the relationships that are transformed by it. The vision itself ultimately promises our divinization by enabling us to see the creation with God's eyes and therefore relate to it as God does."<sup>75</sup>

From McCabe, Cloutier finds the holy not in the tradition of the common good, but rather in the sacraments. Sacraments give us "a new language and context for ordinary, created human relationships, right here and right now." He quotes McCabe, "In marriage, the sexual life is interpreted in terms of its direction towards the new world. Sex is only fully

<sup>71</sup> Jörg Splett, "Die evangelischen Räte in der Ehe?" *INTAMS review* 12 (2006) 15–24.

<sup>72</sup> David Cloutier, "Composing Love Songs for the Kingdom of God? Creation and Eschatology in Catholic Sexual Ethics," *Journal of the Society of Christian Ethics* 24.2 (2004) 71–88, at 73.

<sup>73</sup> *Ibid.* 76.

<sup>74</sup> Lisa Sowle Cahill, *Sex, Gender, and Christian Ethics* (New York: Cambridge University, 1996) 164.

<sup>75</sup> Cloutier, "Composing Love Songs" 79. See also Nunzio Gallantino, "Il corpo in teologia: Oltre il Platonismo," *Rivista di teologia morale* 46 (2005) 873–83.

itself . . . when it discovers its deep orientation towards the future destiny of man in Christ.”<sup>76</sup>

### Book-Length Frameworks for a Discourse on the Polity of Sexual Ethics

Australian Frank Brennan provides a very readable way for an individual to enter into contemporary discourse. Asking how we can mix politics, law, and religion, he adds sexuality and morality to his mix precisely to see how religious beliefs enter the framework of civic discourse. His is a model for thinking out loud with others but always out of one’s conscience.<sup>77</sup>

Chile’s Tony Mifsud offers a comprehensive approach to the engagement of ethics as a process of discernment. His *Ethos cotidianos* (A Daily Ethos) presents a guide to interpret reality in the realm of fundamental, medical, sexual, and social ethics. Throughout the work, he looks to offer a reformulation of the method between ethical discourse and Christian experience. In each chapter the same four-step framework is outlined: stating the facts, understanding the facts, appreciating their ethical implications, and proposing elements for discernment. In his chapter on sexuality, for instance, he analyses issues on the family, divorce law, homosexuality, the feminist agenda, and the morning-after pill. In each instance, he sees an urgency in the irruption of new facts that need to be eventually understood in their context so as to appreciate the ethical implications of these investigations, leading us finally not so much to final judgments but rather heuristically toward discerning an emerging agenda for discourse and eventual decision-making on the topic. Aptly titled, this work could be used in any communal or social setting, from classrooms to adult study groups.<sup>78</sup>

Finally, Margaret Farley’s long-awaited *Just Love: A Framework for Christian Sexual Ethic* offers a comprehensive feminist engagement of traditional claims regarding sexuality, love, and relationships. In this landmark work, Farley surveys the traditions of the Greeks and Romans, Judaism, and Christianity to see how they have taught us to value sexuality and to reflect ethically on this way of being human. From Christianity, for instance, we inherit an ethic that “(1) values marriage and procreation on the one hand and singleness and celibacy on the other; (2) gives as much or more importance to internal attitudes and thoughts as to external actions; and (3) affirms a sexual symbolic meaning for sexual intercourse, yet both

<sup>76</sup> Herbert McCabe, *What Is Ethics All About?* (Washington: Corpus, 1968) 150.

<sup>77</sup> Frank Brennan, *Acting on Conscience* (St. Lucia, Queensland: University of Queensland, 2007).

<sup>78</sup> Tony Mifsud, *Ethos cotidiano: Un proceso de discernimento* (Santiago: Universidad Alberto Hurtado, 2006).

subordinates it as a value to other human values and finds in it a possibility for evil.”<sup>79</sup>

Farley is not satisfied with an investigation of traditions by history, and so she turns to geography and studies a variety of contemporary traditions from Samoa to Nairobi, from Mecca to Bombay. In these cross-cultural studies, she finds, “The closer we come to each of these contexts, the most important factor that emerges may not be either difference or similarity. It may be the very plasticity of human sexuality, its susceptibility to different meanings and expressive forms.”<sup>80</sup>

Inevitably Farley turns to human experience, as she considers the human as embodied, sexual, and gendered. “My attention is focused on experience (though I know there is no such thing as ‘raw’ or ‘pure’ experience). I want to ask all over again how it is that humans are complex beings who experience themselves as bodies but not only as bodies, as spirits but not only as spirits.”<sup>81</sup> Here her work is unmistakably feminist, reflecting the contributions of over 25 years of feminist theorists’ consistently seeking “to remedy the deficiencies of the past, particularly theories that have had bad consequences for women.”<sup>82</sup>

Turning to gender, she investigates three ways that gender ought not matter so much. “(1) Gender ought not to divide us, one from another. . . . (2) The notion of the gender divide, however, does not lie in an uncritical notion of complementarity. . . . (3) Gender may have importance, but it is not in the differentiation of roles.”<sup>83</sup>

Based on these investigations, she then presents a normative ethic of sexuality based on a love that is just. “Love is true and just, right and good, insofar as it is a true response to the reality of the beloved, a genuine union between the one who loves and the one loved, and an accurate and adequate affirmation of the beloved.”<sup>84</sup>

<sup>79</sup> Margaret Farley, *Just Love: A Framework for Christian Sexual Ethics* (New York: Continuum, 2006) 38.

<sup>80</sup> Ibid. 104. On this point of sexuality’s plasticity, see Edward Vacek, “Sexuality, Dimensions of,” in *Sex from Plato* 2:1010–15.

<sup>81</sup> Farley, *Just Love* 116. For an elaboration of what Farley brings to the notion of experience see Jennifer Beste, “Limits of the Appeal to Women’s Experiences Reconsidered,” *Horizons* 33 (2006) 54–77.

<sup>82</sup> Farley, *Just Love* 114.

<sup>83</sup> Ibid. 156–57. See also Susan Parsons, “To Be or Not To Be: Gender and Ontology,” *Heythrop Journal* 45 (2004) 327–43.

<sup>84</sup> Farley, *Just Love* 198. On this point, Christine Gudorf “rejects the argument that sex was created for love when that is read in terms of traditional natural law theory”; rather, “I would argue that sex *should be* for love. Our society should interpret sex as being for love not because no other interpretation is possible or morally acceptable but because such an interpretation is the most helpful in meeting basic human needs at the individual and social levels today” (“Gender and

Farley's framework, then, is not justice and love, but justice in loving. From this framework she articulates a set of norms that are "not merely ideals; they are bottom-line requirements," each of which admits of degrees. They concern:

- Do no unjust harm
- Free consent
- Mutuality
- Equality
- Commitment
- Fruitfulness
- Social Justice

These are tools more for thinking than for resolving questions about sexual ethics. And so she engages them in the patterns of relationships framed by marriage, divorce, and same-sex orientation. She closes: "It is not easy to introduce conversations of justice into every sexual relation and the evaluation of every sexual activity. But if sexuality is to be creative and not destructive, then there is no substitute for discerning ever more carefully whether our expressions of it are just."<sup>85</sup>

## CONCLUSION

Behind these works is a critical but deeply reconciling spirit trying to promote a context for discussion within the churches so as to promote a robust, publicly responsible, and theologically credible sexual ethics. These contributions, it is hoped, will help set the framework for those discourses as we look to the future.<sup>86</sup>

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Human Relationality," in *Health and Human Flourishing: Religion, Medicine, and Moral Anthropology*, ed. Carol Taylor and Roberto dell'Oro [Washington: Georgetown University, 2006] 185–205, at 196, 197).

<sup>85</sup> Farley, *Just Love* 311.

<sup>86</sup> Nunzio Gallantino, "Il post-umano: Chance o minaccia?" *Rivista di teologia morale* 46 (2005) 185–202. For the fruit of a multireligious discussion on the same topic, see Courtney S. Campbell, et al., "The Bodily Incorporation of Mechanical Devices, Parts I and II," *Cambridge Quarterly of Healthcare Ethics* 16:2, 16.3 (2007, forthcoming).